

Application No. 09/977,497**Docket No.: 30004640-02 US (1509-225)****REMARKS**

The Office Action of February 23, 2006 has been carefully studied. Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants note the objection to claim 1. Appropriate amendments have been made to claim 1, and withdrawal of the objection is in order.

Claims 1-20 are pending.

Claims 1-3, 7-10 and 12-15 are patentable over Owen et al. (U.S. Patent 6,611,501)

The rejection of claims 1-3, 7-10 and 12-15 under 35 U.S.C. §102(e) as being unpatentable over Owen et al., U.S. Patent 6,611,501 is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Owen fails to disclose every element of claims 1-3, 7-10, and 12-15 for at least two reasons.

1. Owen fails to disclose assistant-selection means

The PTO appears to assert at page 4, lines 16-19 that user agent 107 of Owen corresponds to the request-reception means of claim 17. See for example, "user agent receives requests from users to establish service sessions" at page 4, line 18. The Office Action fails to identify which element of Owen corresponds to the assistant-selection means of claim 17. The PTO is requested to clarify to which portion of Owen the PTO believes the claimed assistant-selection means corresponds. When a claimed element cannot be found in the reference, the reference does not anticipate the claimed invention. Further, it is incumbent upon the PTO to identify where in the reference each element may be found. Ex parte Levy, 17 U.S.P.Q.2d 1461 (Bd. Pat. App. Infr. 1990). Consequently, when the PTO fails to identify a claimed element, as is the case in this instance, the PTO has failed to establish a prima facie case of anticipation.

Further, it is not incumbent on the Applicants to assist in formulating the rejection and attempting to decipher which element the rejection holds to be disclosed and how

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this anticipates the claimed subject matter. The PTO is therefore respectfully requested to identify, preferably using column and line number as well as identifying the element and reference number, where disclosure of the above-mentioned subject matter is to be found. For at least this reason, withdrawal of the rejection is respectfully requested.

For the purpose of the remainder of the instant response, Applicants assume that the PTO intended to identify the user agent of Owen as corresponding to the claimed assistant-selection means.

2. Owen fails to disclose assistant-selection means to select an appropriate assistant entity

Owen describes user agent 107 as "represent[ing] and act[ing] on behalf of a user." Owen at column 12, line 4. That is, a user agent appears to be tied to a particular user; therefore, the user agent cannot "select an appropriate assistant entity" as the user agent can only join the particular user to a service session. Owen's user agent fails to perform a selection of an assistant entity regardless of the appropriateness of the assistant entity.

As described in Owen, the user agent fails to perform a selection of an assistant entity. Specifically, Owen describes the user agent 107 as "receiv[ing] and process[ing] requests to join a service session" and presenting lists of subscribed services to a user. Owen at column 12, lines 10-15. Applicants are unable to locate a teaching or suggestion of selection of an assistant entity in the PTO-identified portion of Owen. For at least this reason, withdrawal of the rejection is respectfully requested.

3. Owen fails to disclose assistant-selection means selecting from a group of possible assistant entities

Based on at least the second reason presented above, Owen cannot disclose assistant-selection means selecting from a group of possible assistant entities as Owen fails to disclose assistant-selection means.

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Further, even assuming *arguendo* that Owen's user agent 107 corresponds to the claimed assistant-selection means, Owen fails to disclose selecting from a group of possible assistant entities. Owen describes the user agent 107 as representing and acting on behalf of a user, i.e., Owen appears to contemplate a one-to-one mapping of user agent to user.

Further, the PTO has failed to disclose a group of possible assistant entities from which the user agent may select. Owen describes the user agent as being able to receive requests to join a service session from service sessions themselves. That is, the user agent communicates with service sessions and the service sessions communicate with other user agents. There is no disclosure of an assistant-selection means selecting from a group of possible assistant entities. At most, Owen describes "another user . . . [creating] a service session and invit[ing] the user to join in." Owen at column 12, lines 11-12. There is no selecting from a group of entities disclosed or suggested in the PTO-identified portion of Owen. For at least this reason, withdrawal of the rejection is respectfully requested.

4. Owen fails to disclose assistant selection means taking account of the context of the existing communication session

Based on at least the second reason presented above, Owen cannot disclose assistant-selection means selecting from a group of possible assistant entities as Owen fails to disclose assistant-selection means.

Further, even assuming *arguendo* that Owen's user agent 107 corresponds to the claimed assistant-selection means and assuming *arguendo* that Owen's user agent 107 selects an assistant entity from a group of possible assistant entities, Owen fails to disclose or suggest taking account of the context of the existing communication session in performing the selection. Owen appears to describe only a user agent joining a user to a service session responsive to receipt of an invitation to join a service session from another user. Owen at column 12, lines 10-12. Owen fails to disclose use of the context of the existing communication session by the user agent in joining the user to the service session. As stated above, Owen describes "another user . . . [creating] a

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service session and invit[ing] the user to join in." Owen at column 12, lines 11-12. There is no taking account of the context of the existing communication session disclosed or suggested in the PTO-identified portion of Owen. For at least this reason, withdrawal of the rejection is respectfully requested.

For each of the foregoing reasons, claim 17 is patentable over Owen and withdrawal of the rejection is respectfully requested.

Claims 18-19 depend, either directly or indirectly, from claim 17, include further limitations, and are patentable over Owen for at least the reasons advanced above with respect to claim 17. The rejection of claims 18-19 should be withdrawn.

Claim 1 is patentable over Owen for at least reasons similar to those advanced above with respect to claim 17. For at least this reason, withdrawal of the rejection of claim 1 is respectfully requested.

Further with reference to claim 1, Owen fails to describe the selecting being performed by the service system as claimed in the present subject matter of claim 1. For at least this additional reason, withdrawal of the rejection is respectfully requested.

Claims 2-3, 7-10, and 12-15 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over Owen for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-3, 7-10, and 12-15 should be withdrawn.

Claims 4-6, 11, 16 and 20 are patentable over Owen in view of Brown et al. (U.S. Patent 6,385,646)

The rejection of claims 4-6, 11, 16 and 20 under 35 U.S.C. §103(a) as being unpatentable over Owen in view of Brown is hereby traversed. Claims 4-6, 11, 16, and 20 are patentable over Owen for at least the reasons advanced above with respect to claims 1 and 17, respectively, as described above. Brown fails to cure the above-noted deficiencies of Owen and the rejection is respectfully requested to be withdrawn.


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All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025, and please credit any excess fees to such deposit account.

Respectfully submitted,

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